

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMONS FOR JUDGEMENT NO. 512 Of 2004
IN
SUMMARY SUIT NO. 3570 Of 2003

Jaylakshmi H. Jain .. Plaintiff
versus
Soter Propkem Pvt.Ltd. .. Defendants

...

Mr.Kedar Chambal i/b S.K. legal Associates for the
plaintiff.

CORAM : D.G. KARNIK, J.

DATED : 29th March 2005.

P.C.:

1. Heard the learned counsel for the plaintiff
who hands in affidavit of service and original
documents. Affidavit is taken on record and marked
Exhibit-A. The documents are taken on record and
colly. marked Exhibit-B.

2. The suit is filed for recovery of the value of the goods sold supplied and delivered to the defendant. The only documents relied upon by the plaintiff are office copies of the invoices and notice of demand. Perusal of the office copies of the invoices show that they do not bear the signature of the defendants. No other document is produced to show that there was any written agreement between the plaintiff and defendant to make the payment. The suit is therefore based on an oral agreement to pay the value of the goods. The suit therefore cannot be tried as a summary suit. Summons for Judgement is therefore dismissed.

3. Suit be tried as a regular suit.

D.G. KARNIK, J